IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT FOR TENNESSEE

TIMOTHY ALLEN ATCHISON)
Plaintiff,	Civil Action Number 3:24-cv-922
v.) Jury Demand
)) Judge Trauger
HUBBELL INDUSTRIAL CONTROLS, INC.,)
)
Defendant.)

MOTION FOR COMPLAINT AMENDMENT

- 1. The record reflects that the original Complaint (Document 1, Filed 7/30/2024) incorporated (pursuant to FRCP Rule 10(c)) two emails and a "Business Plan" material to the case issues. The emails and related Business Plan documents are referenced in the Complaint at Page ID # 5, 8 and 11, and see Complaint Exhibit 2.
- 2. In preparing the response to Defendant's pending Motion to Dismiss, Plaintiff identified that one of the two emails referenced was inadvertently omitted from the attachment. Plaintiff, pursuant to FRCP Rule 15, moves the Court for an Order permitting amendment of the original Complaint by adding the attached document (email from Vance Hinton to Plaintiff Timothy Atchison, dated Monday, January 9, 2006, 05:46 p.m., referencing the pending "venture" and "business plan") as a part of Complaint Exhibit 2, as the second page of Document 1-2.

Respectfully submitted,

BURGER LAW FIRM

/s/Wm Kennerly (Ken) Burger

Wm Kennerly (Ken) Burger, BPR #3731 Counsel for Plaintiff 12 North Public Square Murfreesboro, TN 37130

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CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing has been sent by U.S. Mail, postage prepaid, and by email, to the following on this 10th day of December, 2024.

Howell O'Rear
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> <u>/s/Wm Kennerly (Ken) Burger</u> Wm Kennerly (Ken) Burger

cc: Timothy Atchison

NETZERO Message Center

From: "tjatchison@netzero.com" <tjatchison@netzero.com>

To: vhinton@powerohm.com

Sent: Mon. Jan 09, 2006 05:47 PM

Subject: Re: Business Plan

Hi Vance.

Thanks for the response. I hope you and your family got to spend quality time together over the holidays and I certainly look forward to this New Year. I know how hard you and everyone else has worked and I hope the sleep medicine we discussed is still working great for you so you can get quality rest.

What the heck was this I heard about Mike going wild boar hunting with a knife? Was this true? I could not hardly picture it.

Anyway, it sounds like things are coming together with the new turrets coming in etc. and getting a bit caught up. Just keep us updated as you can. I will speak to you soon. Have a pleasant week.

Best regards, Tim Atchison

-- "Vance Hinton" <vhinton@powerohm.com> wrote: Hey Guys,

I received your message this morning Mike. I had forgot that Mike Crowe had already scheduled that we have CSA in Katy for testing all this week. We have a specific job that requires CSA which is under a very tight delivery schedule, and since they are already going to be here, we're using the situation to broaden our CSA certification for other standard products. Additionally, we were scheduled to receive our first of 2 new turrets sometime this week, which has now been pushed into next week by the machine manufacturer.

The good news is that we have made significant progress catching up a big percentage of orders which had fallen behind in our production schedule, so very soon that issue will be completely behind us.

As we look forward, we are definately interested in putting a plan together to examine what our future possibilities may be. I am consumed at the moment with employee priorities, manager evaluations, and getting all associated insurances and services in line for the additional building we just closed on last week.

However, since Mike Crowe is here this week, we'll make sure to discuss where we need to go from here as far as initiating the plan and what we need to address. I have also talked with Joe Eschleman some about future possibilities and we'll be visiting the subject more while he is in Katy the week of January 23. The focus for the time being is the framework of a business plan. A completed business plan will determine the profitability of the venture for which we have discussed, and give us the required credibility in the eyes of our financial institution.

Being that we have CSA personnel here this week, I'm hesitant to make any promises about when I'll have any progress to report. I'll call sometime later this week and we can discuss further.

Sincerely,

Vance